and "computer-readable program code for causing a computer to calculate a contribution amount to the savings program account from the deposit account, the contribution amount including a difference amount between the payment amount and a next higher whole dollar amount above the payment amount". The automatic contributions to the savings program are taken from the individual's funds on deposit in a deposit account, and the amount of the contributions are based upon the relative spending levels of individual and thus generally correlates to money held by individual. Applicant's claimed manner of calculating the contribution amount makes it highly unlikely that the withdrawal of the contribution amount would cause the individual to accidentally overdraw the deposit account. Further, keeping track of the contribution deductions in one aspect of the invention is relatively easy since the amounts of debit transactions merely need to be rounded up to the nearest whole dollar amount when entered in the register at the time making the debit transaction.

The Kohno reference teaches a scanning station, and is submitted to lack any of the major elements recited in claim 11. The Fernandez-Holmann reference teaches a system for deducting on a regular basis from a customer's credit (card) account a predetermined amount that is then placed in a retirement account. Another aspect of the invention in the Fernandez-Holmann reference is a money rebate from the credit card issuer paid to the retirement account. Thus, Fernandez-Holmann teaches transfer to a retirement account money that is the credit card issuer's (and not the customer's), and in one aspect of the disclosure the customer is required to repay the amount (e.g., an extension of credit) and in the other aspect the customer is not required to repay the amount (e.g., a rebate). In neither aspect of the Fernandez-Holmann disclosure is money transferred from a deposit account to a savings account, nor

7

A

is the money transferred (from the deposit account to the savings account) the customer's money that has been previously deposited. It is therefore submitted that the Fernandez-Holmann teaching would not lead one skilled in the art to the requirements of the applicant's claim 11, particularly as amended. Applicant's claimed invention takes money from the funds held by the individual and does not require borrowing on credit.

Further, the amount of the contribution in Fernandez-Holmann is a predetermined amount, or a percentage of an amount charged to the credit card, and therefore it is submitted that the Fernandez-Holmann teaching would not lead one to the applicant's recited manner of calculating the contribution.

Withdrawal of the §103(a) rejection of claims 11, 12, and 14 through 16 is therefore respectfully requested.

The added claims 17 through 27 are submitted to define the applicant's invention over the cited prior art, especially in view of the requirement of "setting up a system for automatically contributing funds from a deposit account to a savings program account", "accepting from a third party an order to withdraw a payment amount from said funds in said deposit account, said payment amount corresponding to a debit transaction made by the individual from said third party using said debit device", and "calculating a contribution amount to be transferred from said deposit account to said savings program account, the contribution amount being based upon said payment amount".

8

A

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,
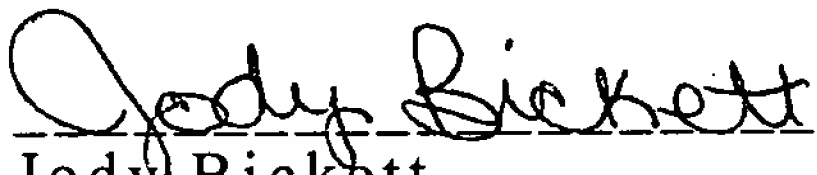
_____   Date: ___7/24/00_____
Jeffrey A. Proehl (Reg. No. 35,987)
KAARDAL & ASSOCIATES, P.C.
3500 South First Avenue Circle, Suite 250
Sioux Falls, SD 57105-5807
(605)336-9446 FAX (605)336-1931
e-mail patent@kaardal.com

A